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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,488	11/21/2003	Wen-Chih Lin	BHT-3248-10	7622
7590	10/18/2007			
TROXELL LAW OFFICE PLLC Suite 1404 5205 Leesburg Pike Falls Church, VA 22041			EXAMINER MITCHELL, NATHAN A	
		ART UNIT 2617	PAPER NUMBER	
		MAIL DATE 10/18/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/717,488	LIN, WEN-CHIH
	<b>Examiner</b>	<b>Art Unit</b>
	Nathan Mitchell	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/21/2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because it is replete with grammatical errors that make some sentences unclear. Examples include:
  - a. "Users must ,,be used for different services when changing to different services when changing to a different service area" (background of invention paragraph 2)
  - b. "Hence, it would be trouble to users by the payment method as described above" (background of invention paragraph 2)
  - c. "...which means how to solve the problem of an upstream of consumers, otherwise, the other issue of disorder of charging and paying may not be discovered, which means the problem of a downstream of consumers does not be covered so far" (background of invention paragraph 7)
  - d. "Brief Description of the Drawings" should be changed to "Brief Description of the Drawings"
  - e. "...and trade in Internet Due to the SIM card being issued by the payment and identity system." (page 3 lines 5-6)
  - f. "After the bill being paid, **the payment and identity system**, the wireless network ISP and the web store share the service charge (page 4 line 23)
  - g. "...but the user is only responsible for the payment and identity system as well" (page 4 line 27)

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- h. In claim 1, it is suggested to change "...the payment and identity system being a role of identification and issuing..." to --...the payment and identity system performs the role of identification and issuance of the network interface equipment--.
- i. In claim 6 line 2 and claim 7 line 2 it is suggested to change "fix network" to --fixed network--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, it is unclear to the examiner what exactly is being judged in step 2 and how the leads to a yes or no. A similar problem exists in claim 12. In claim 10, it is unclear what is meant by "to be identified" in step 3 and how that can lead to passing or failing. A similar problem exists in claim 14. In claim 10, it is unclear what step 6 is meant to constitute.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 2, 4, 5, 8,10-14 and 16 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,171,460 B2 to Kalavade et al.

For **claim 1**, Kalavade et al. discloses a payment system for using a wireless network system comprising:

A wireless network equipment (fig. 2 20) having a network interface equipment (see fig. 2 "SIM-enabled NIC")

A wireless network system (fig. 2 whole figure comprises system)

A network service system (column 13 lines 30-32 access point/network connection in combination with fig. 2 10 CBG server), the wireless equipment being connected to the network service system via the network interface equipment and the wireless network system (column 13 lines 30-33)

A payment and identity system (fig. 2 HLR and Billing & Mediation System) connecting to a network via the wireless network system and the network service system, the payment and identity system being a role of identification (column 13 lines 1-25) and issuing the network interface equipment (it is an inherent that the provider issues a subscriber a SIM).

Regarding **claims 2 and 4**, Kalavade et al. further disclose that the terminal can be a PDA or laptop (column 9 line 51).

Regarding **claim 5**, Kalavade et al. further disclose the network interface equipment being a SIM card (fig. 2 "SIM-enabled NIC").

Regarding **claim 8**, the CBG server can be considered to comprise a WEB-SIM gateway and a web authentication server as it performs the tasks of authenticating user SIM data.

For **claim 10**, Kalavade et al. disclose a payment method for using a wireless network system comprising:

(1) starting to connect to a payment and identity system from a user (column 13 lines 30-32)

(2) judging a network interface equipment of the user (inherent detection of SIM card in column 13 lines 1-25 as procedure cannot happen unless there is a SIM card)

(3) to be identified; and going to next step if pass (column 13 lines 18-25 validating sim data)

(4) connecting to payment and identity system (column 13 24-25 user now connected) and going to step (6)

(5) assuring the user being not a member of the payment and identity system, going to step (6) (column 13 24-25, inherently if terminal is not validated procedure terminates and device is blocked from access)

(6) finishing the method (procedure is complete)

Regarding **claim 11**, Kalavade et al. further disclose the network interface equipment being a SIM card (fig. 2 "SIM-enabled NIC").

Regarding **claim 12**, Kalavade et al. can further be considered as disclosing this limitation as an alternative embodiment deals with a client without a SIM (fig. 1). A procedure involving SIM validation would not be followed if there is no SIM.

Regarding **claim 13**, Kalavade et al. further disclose authentication being done with EAP-SIM (column 9 lines 30-42)

Regarding **claim 14**, inherently if terminal is not validated procedure terminates and device is blocked from access (column 13 24-25).

Regarding **claim 16**, Kalavade et al. teach an alternate embodiment (fig. 1) wherein a UE without a SIM card is forced to download the CBG client and submit a password (fig. 1 "password"). This can be considered a traditional web identification system for identification.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalavade et al. in view of U.S. Patent Application Publication No. 2003/0158722 to Lord.

Kalavade et al. further disclose the payment and identity system comprising a HLR (fig. 2 12) and an accounting authorization server (fig. 2 “Billing & Mediation System”).

**For claims 3 and 9,** Kalavade et al. disclose all the subject matter of the claimed invention with the exception of the presence of a PSTN as recited in claim 9 and the wireless equipment being an IP phone as recited in claim 3. It is inherent that most networks are connected at some level to a PSTN.

However in an analogous art, Lord discloses a system wherein an IP phone (fig. 3:334) is connected through a wireless network to a PSTN (330). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Lord into the system of Kalavade et al. The motivation for doing so is the well known cost savings associated with making telephone calls through IP phones.

**Claim 15 is rejected for the same reason as claim 9**

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalavade et al. in view of U.S. Patent No. 7,075,912 B2 Suda et al.

Kalavade et al. further discloses the wireless network comprising a wireless AP (column 13 30-32).

**For claims 6 and 7** Kalavade et al. disclose all the subject material of the claimed invention but is silent of the type of network connection. ADSL is a very common method of obtaining a network connection. For example, Suda et al. disclose a wireless access point that is connected to a network through an ADSL connection (fig. 2). It would have been obvious to one of ordinary skill in the art at the time of invention

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to have the access point of Kalavade et al. use a fixed network connection that is an ADSL. The motivation for doing so is the fact that it is a high speed connection that is readily available.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

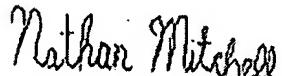
Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
US-2002/0174335 A1	11-2002	Zhang et al.	713/168
US-2003/0051041 A1	03-2003	Kalavade et al.	709/229
US-6,694,134 B1	02-2004	Lu et al.	455/419
US-2004/0162105 A1	08-2004	Reddy et al.	455/551
US-7,107,620 B2	09-2006	Haverinen et al.	726/29
US-7,127,234 B2	10-2006	Ishii, Yoshikazu	455/411

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mitchell whose telephone number is (571)270-3117. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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